

## **SECTION 12.1: PERMIT REQUIREMENTS FOR MINOR SOURCES**

12.1	Permits for Minor Sources.....	1
12.1.0	Applicability .....	1
12.1.1	Definitions .....	1
12.1.2	Exempt and Insignificant Emission Units and Activities .....	3
12.1.3	Permit Application .....	10
	12.1.3.1 Duty to Apply For a Minor Source Permit.....	10
	12.1.3.2 [Reserved].....	11
	12.1.3.3 Complete Application .....	11
	12.1.3.4 Permit Application Shield .....	11
	12.1.3.5 Duty to Supplement or Correct Application .....	11
	12.1.3.6 Application Contents .....	12
12.1.4	Permit Content .....	14
	12.1.4.1 Terms and Conditions .....	14
	12.1.4.2 Acknowledgment of Responsibility for Compliance.....	21
12.1.5	Permit Application Processing Procedures .....	21
	12.1.5.1 Action on Application.....	21
	12.1.5.2 Permit Processing Deadlines .....	22
	12.1.5.3 Public Participation.....	22
	12.1.5.4 Permit Transfers.....	25
12.1.6	Revisions to an Existing Minor Source Permit.....	25
12.1.7	Permits Containing Voluntarily Accepted Emission Limitations and Standards.....	30

## **12.1 Permits for Minor Sources**

### **12.1.0 Applicability**

Section 12.1 is applicable to any stationary source located in Clark County that has the potential to emit (PTE) a regulated air pollutant equal to or greater than the thresholds listed in Section 12.1.1(d), but less than the major source thresholds listed in 12.2.2.(ff) or 12.3.2(y). Section 12.1 is also applicable to any Part 70 source that is exempt from the requirement to obtain a Part 70 Permit and has a PTE that equals or exceeds the thresholds listed in Section 12.1.1(d) or any source that takes a voluntarily accepted emission limit or standard pursuant to Section 12.1.7 to avoid obtaining a Part 70 operating permit.

### **12.1.1 Definitions**

Unless the context requires otherwise, the following terms shall have the meanings set forth below for purposes of Sections 12.1 and 12.11. When a term is not defined, it shall have the meaning provided in Section 0, Nevada Revised Statutes (NRS) § 445B, the Federal Clean Air Act, or common usage, in that order of priority.

- (a) “Exempt stationary source” means any stationary source with a potential to emit lower than the levels listed in Section 12.1.1(d) below or any stationary source who performs only those activities listed in Section 12.1.2(a) and/or (b).
- (b) “Existing minor source” means any minor source that has been issued a minor source permit under this Section 12.1 and is not a new minor source.
- (c) “Like-kind” means the entire replacement of an existing emissions unit with an identical one or one similar in design and function, and neither increases the potential to emit of the emissions unit nor triggers a new applicable requirement.
- (d) “Minor source” means a stationary source that is not required to obtain an “Authority to Construct” pursuant to Section 12.4.3 or a Part 70 Operating Permit and that has a potential to emit equal to or greater than the following levels for any listed pollutant (excluding fugitive emissions unless it is a categorical source in Section 12.2.2(j) or belongs to any other source category which, as of August 7, 1980, is regulated under Section 111 or 112 of the Act):

<u>Type of Air Pollutant</u>	<u>Potential to Emit (tpy)</u>
<u>PM<sub>2.5</sub></u>	<u>5</u>
<u>PM<sub>10</sub></u>	<u>5</u>
<u>CO</u>	<u>25</u>
<u>VOC</u>	<u>5</u>
<u>NO<sub>x</sub></u>	<u>5</u>
<u>SO<sub>2</sub></u>	<u>25</u>
<u>Lead (Pb)</u>	<u>0.3</u>
<u>H<sub>2</sub>S</u>	<u>1</u>

- (e) "Minor Source Permit" means a single permit that authorizes the construction and operation of a minor source.
- (f) "Modification" or "Modify" means a physical change in, or a change in the method of operation, of a minor source that increases the source's potential to emit any regulated air pollutant.
- (g) "New minor source" means any minor source for which no minor source permit has been issued or whose minor source permit has expired and six months have elapsed without an application for renewal having been submitted.
- (h) "Portable source" means a minor stationary source that is specifically designed to be transferred to a new site as need warrants. Portable sources may be subject to other applicable federal requirements under the Act.
- (i) "Responsible Official" means the person who is authorized by the owner of the source to sign all documents and to make decisions that:
  - (1) Govern the operation of the regulated facility;
  - (2) Initiate and direct measures to assure compliance with air quality laws and regulations; and
  - (3) Ensure actions are taken to gather complete and accurate information for permit application requirements.
- (j) "Significant" means an increase at a minor source in the potential to emit of any of the following pollutants, including fugitive emissions, at a rate that would equal or exceed any of the following:

<u>Type of Air Pollutant</u>	<u>Potential to Emit (tpy)</u>
<u>PM<sub>2.5</sub></u>	<u>7.5</u>

<u>PM<sub>10</sub></u>	<u>7.5</u>
<u>CO</u>	<u>35</u>
<u>VOC</u>	<u>20</u>
<u>NO<sub>x</sub></u>	<u>20</u>
<u>SO<sub>2</sub></u>	<u>40</u>
<u>Lead (Pb)</u>	<u>0.6</u>
<u>H<sub>2</sub>S</u>	<u>5</u>
<u>Total Reduced Sulfur (including H<sub>2</sub>S)</u>	<u>5</u>

- (k) “Temporary” means remains or will remain at a location for less than 12 consecutive months or a shorter period of time if located at a seasonal source; except as specifically defined elsewhere in this section.
- (l) “Voluntarily accepted emission limitation” means those permit emission limitations or other standards proposed by a source to avoid being subject to New Source Review, having to obtain a Part 70 Operating Permit, becoming a major source of Hazardous Air Pollutants, RACT, or other applicable requirements.

#### **12.1.2 Exempt and Insignificant Emission Units and Activities**

- (a) All exempt and insignificant units and activities shall remain subject to any other applicable requirements.
- (b) The following emission units and activities are exempt from the permitting requirements of Section 12.1:
  - (1) A laboratory, which means a place or activity, such as a medical, analytical, or veterinary laboratory, devoted to experimental study or teaching or to the testing and analysis of drugs, chemicals, chemical compounds, or other substances, or to similar activities, provided that these activities are conducted on a laboratory scale and not sold or distributed commercially. Support activities necessary to the operation of the laboratory are considered part of the laboratory. Support activities do not include the provision of power to the laboratory from emission units that provide power to multiple projects or that would otherwise require permitting, such as boilers providing power to a source or solid waste disposal units (such as incinerators).
  - (2) Emissions associated with paved and unpaved roads and parking lots that have public access, as well as activities associated with the repair and maintenance of paved and unpaved roads, including paving or sealing, or both, of parking lots and

roadways. Such activities and emissions are subject to the requirements of Sections 91 and 92 of the AQRs.

- (3) Temporary activities at a project that is being performed under the conditions of a Dust Control Permit issued pursuant to Section 94 that meet the following criteria:
  - (A) “Padding” machines used on an underground utility project, including the engine that powers them, provided there is no crusher.
  - (B) On-site demolition debris “grinders,” including the engine that powers them.
  - (C) Trenching machines, including the engine that powers them.
  - (D) Portable crushing and/or screening operation supporting an on-site single construction activity, including the engine(s) that power them.
- (4) Temporary operations and experimental trials that involve construction, reconstruction, or modification of a source or emission unit and that meet all of the following criteria:
  - (A) The construction, reconstruction, or modification will not increase the affected stationary source’s potential to emit in excess of the applicable major source threshold as defined in Section 12.2.2(ff) or 12.3.2(y).
  - (B) The cumulative potential to emit from the construction, reconstruction, or modification of an emission unit or a stationary source will not increase the cumulative potential to emit of the affected stationary source by more than fifteen (15) tons of all regulated pollutants for the duration of the operation.
  - (C) The duration of the temporary operation or experimental trial is less than thirty (30) consecutive days.
  - (D) If the construction, reconstruction, or modification activities are part of a soil or water remediation project, and their purpose is to identify parameters necessary to design the project, the activities are exempt from permitting if their duration is less than twenty-four (24) hours or, as determined necessary by the Control Officer, a greater period, not to exceed seventy-two (72) hours, based on the nature of the activities.

- (E) If the construction, reconstruction, or modification would otherwise require a permit revision, the owner or operator shall provide the Control Officer written notice of the proposed construction, reconstruction, or modification at least seven (7) days before it begins. The notice shall contain all of the following information:
- (i) A description of the purpose of the construction, reconstruction, or modification.
  - (ii) A description of how the construction, reconstruction, or modification is experimental or not part of the normal operation or production of the facility or the source.
  - (iii) The dates the owner or operator anticipates the construction, reconstruction, or modification will begin, operations will begin, and operations will cease.
  - (iv) An estimate of the potential emissions increase resulting from the construction or reconstruction.
  - (v) The equipment involved in the construction, reconstruction, or modification.
- (F) If the construction, reconstruction, or modification would otherwise require a permit revision, the owner or operator shall provide the Control Officer with written notice of the proposed construction, reconstruction, or modification no more than seven (7) days after concluding the temporary operation or experimental trial. The notice shall contain all of the following information:
- (i) The actual start date of the construction, reconstruction, or modification.
  - (ii) The duration of the temporary operation or experimental trial.
  - (iii) The actual emissions during the temporary operation or experimental trial.
- (G) The exemption provided by Section 12.1.2(b)(6) shall not apply to facilities or sources whose normal course of business involves operations that are experimental in nature, part of pilot plants, or characterized by frequent product changes.

- (5) Combustion emissions from propulsion of mobile sources;
- (6) Air-conditioning units used for human comfort that do not have applicable requirements under Title VI of the Act.
- (7) Ventilating units used for human comfort that do not exhaust air pollutants into the ambient air from any manufacturing/industrial or commercial process.
- (8) Noncommercial food preparation.
- (9) Ancillary commercial food preparation equipment such as oven, grill, vent hoods.
- (10) Consumer use of office equipment and products, not including printing establishments or businesses primarily involved in photographic reproduction.
- (11) Janitorial services and consumer use of janitorial products.
- (12) Internal combustion engines used for landscaping purposes.
- (13) Laundry activities, except for dry-cleaning and steam boilers.
- (14) Bathroom/toilet vent emissions.
- (15) Emergency (backup) electrical generators at residential locations.
- (16) Tobacco smoking rooms and areas.
- (17) Blacksmith forges.
- (18) Plant maintenance and upkeep activities (e.g., grounds-keeping, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, installing insulation, and paving parking lots), provided these activities are not conducted as part of a manufacturing process, are not related to the source's primary business activity, and would not otherwise trigger a permit revision. Cleaning and painting activities qualify as insignificant activities if they are not subject to VOC or HAP control requirements. Asphalt batch plant owners/operators must still get a permit if otherwise required.
- (19) Repair or maintenance shop activities not related to the source's primary business activity, not including emissions from surface coating or degreasing (solvent metal cleaning) activities, and not otherwise triggering a permit revision.

- (20) Handheld equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic.
- (21) Brazing, soldering, and welding equipment and cutting torches related to manufacturing and construction activities that do not result in emission of HAP metals.
- (22) Air compressors and pneumatically operated equipment, including hand tools.
- (23) Batteries and battery charging stations, except at battery manufacturing.
- (24) Storage tanks, vessels, and containers holding or storing liquid substances that will not emit any VOCs or HAPs.
- (25) Storage tanks, reservoirs, and pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.
- (26) Equipment used to mix and package soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions, provided appropriate lids and covers are utilized.
- (27) Drop hammers or hydraulic presses for forging or metalworking (excluding engines).
- (28) Equipment used exclusively to slaughter animals, but not including other equipment at slaughterhouses, such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment.
- (29) Vents from continuous emissions monitors and other analyzers.
- (30) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities.
- (31) Handheld applicator equipment for hot melt adhesives with no VOCs in the adhesive formulation.
- (32) Equipment used for surface coating, painting, dipping, or spraying operations, except those that will emit VOCs or HAPs.

- (33) CO2 lasers used only on metals and other materials that do not emit HAPs in the process.
- (34) Consumer use of paper trimmers/binders.
- (35) Electric or steam-heated drying ovens and autoclaves, but not the emissions from the articles or substances being processed in the ovens or autoclaves or the boilers delivering the steam.
- (36) Salt baths using nonvolatile salts that do not result in emissions of any regulated air pollutants.
- (37) Laser trimmers using dust collection to prevent fugitive emissions.
- (38) Bench-scale laboratory equipment used for physical or chemical analysis, but not lab fume hoods or vents.
- (39) Routine calibration and maintenance of laboratory equipment or other analytical instruments.
- (40) Equipment used for quality control/assurance or inspection purposes, including sampling equipment used to withdraw materials for analysis.
- (41) Hydraulic and hydrostatic testing equipment.
- (42) Environmental chambers not using HAP gases.
- (43) Shock chambers.
- (44) Humidity chambers.
- (45) Solar simulators.
- (46) Fugitive emissions related to movement of passenger vehicles, provided the emissions are not counted for applicability purposes and any required fugitive dust control plan or its equivalent is submitted.
- (47) Process water filtration systems and demineralizers.
- (48) Demineralized water tanks and demineralizer vents.
- (49) Boiler water treatment operations, not including cooling towers.
- (50) Oxygen scavenging (deaeration) of water.

- (51) Ozone generators.
  - (52) Fire suppression systems.
  - (53) Emergency road flares.
  - (54) Steam vents and safety relief valves.
  - (55) Steam leaks.
  - (56) Steam cleaning operations.
  - (57) Steam sterilizers.
- (c) The following emission units and activities are deemed to be insignificant and shall be listed in the application with the throughput, energy capacity, rating or similar description, but without other identifying information:
- (1) Boilers and water heaters rated at less than 1 million Btu per hour actual heat input.
  - (2) Non-industrial cooling towers with recirculation capacity of less than 1,000 gallons per minute with drift eliminators rated at a minimum of 0.05 efficiency.
  - (3) All internal combustion engines rated less than 35 horsepower.
  - (4) Indirect heat exchangers or water heaters rated at less than 1 million Btu per hour actual heat input that use #2 fuel oil, wood, natural gas, LP gas or refinery fuel gas.
  - (5) Gas-fired space heaters or ovens rated at less than 1 million Btu per hour actual heat input.
  - (6) Ancillary woodworking operations for maintenance and repair, for educational purposes, or as part of minor construction or research-related activities.
  - (7) Ancillary parts washers that uses only certified clean air solvents. (List of certified clean air solvents and distributors available.)
  - (8) Degreasers that uses only certified clean air solvents. (List of certified clean air solvents and distributors available.)

- (9) Each tank, reservoir, or other container with a capacity less than 40,000 gallons containing any petroleum liquid having a true vapor pressure of 1.5 psia or less.
- (10) Any other emission unit or activity deemed by the Control on a case-by-case basis to be insignificant for purposes of this Section 12.1.2(c).
- (d) The potential to emit of all insignificant units and activities shall be considered in determining if a stationary source is required to obtain a permit.
- (e) If a new or existing minor source, based on information submitted in its application by its Responsible Official, is determined by the Control Officer to be an exempt stationary source, the Responsible Official may request a certificate of exemption confirming that status. The certificate shall list all insignificant emission units and activities considered in the determination.

### **12.1.3 Permit Application**

#### **12.1.3.1 Duty to Apply For a Minor Source Permit**

- (a) Except as provided in Section 12.1.6, no person shall commence construction of, operate, or make a modification to a minor source except in compliance with a minor source permit that authorizes such construction, operation, or modification.
- (b) For the renewal of an existing minor source permit, a timely application shall be submitted to the Control Officer. An application for renewal shall be deemed to be timely if it is submitted at least one hundred twenty (120) days, but no more than two hundred seventy (270) days, before the date of permit expiration.
- (c) If the submittal of an application for renewal of an existing minor source permit is not timely, there is no permit application shield as provided in Section 12.1.3.4, and the source loses its authority to operate upon permit expiration until the renewal permit is issued.
- (d) If an application for renewal of an existing minor source permit is submitted within six months after permit expiration, the source loses its authority to operate upon permit expiration until the renewal permit is issued.
- (e) If an application for the renewal of an existing minor source permit is submitted six months or more after permit expiration, the source loses its authority to operate upon permit expiration, and the

source will be treated as a new minor source and the application will be subject to all of the requirements of Section 12.1.3.6.

**12.1.3.2 [Reserved]**

**12.1.3.3 Complete Application**

- (a) To be deemed complete, an application must contain all information required under Section 12.1.3.6 and must be accompanied by payment of the applicable fee(s) established in Section 18.
- (b) Unless the Control Officer determines that an application is not complete within sixty (60) days of receipt, any application for a new, renewal, or significant revision permit shall be deemed complete. Unless the Control Officer determines that an application for a minor revision is not complete within seven (7) days of receipt, an application for a minor revision shall be deemed complete.
- (c) If, while processing an application that has been deemed complete, the Control Officer determines that additional information is necessary to evaluate or take final action on the application, he or she may request such information in writing and set a reasonable deadline for its submission.
- (d) Failure to provide the additional information required by the Control Officer by the deadline could result in denial of the application.

**12.1.3.4 Permit Application Shield**

If an existing minor source submits a timely and complete application for renewal of a minor source permit, the source's continued operation after permit expiration and before issuance of the renewed permit is not a violation of the AQRs. The application shield shall cease to apply if, after a completeness determination, the applicant fails to submit any additional information identified as needed to process the application by a deadline the Control Officer has specified in writing or the renewed permit is denied for any other reason.

**12.1.3.5 Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or submits incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submission, submit such supplementary facts or corrected information promptly. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date the applicant files a complete application, but before issuance of the permit.

### 12.1.3.6 **Application Contents**

An application for a minor source permit shall contain all the information necessary to be a complete application. An application for 1) a new minor source permit must include the information required by Section 12.1.3.6(a), (b), and (c), as needed; 2) a renewal of an existing minor source permit must include all the information in Section 12.1.3.6(a); and 3) any revision to a minor source permit must include the information listed in Section 12.1.3.6(a), (b), and (c) for those emission units and activities being added or revised.

- (a) Identifying information that includes, but is not limited to:
  - (1) The company name and address (and the source name and address, if different).
  - (2) The owner's and Responsible Official's name, email address, telephone number and the name(s) of plant site manager/contact with associated email addresses and telephone numbers.
  - (3) A declaration signed by the Responsible Official under penalty of perjury stating that, the statements and information in the application are true, accurate, and complete. Signature of the declaration statement shall subject the Responsible Official to liability for perjury under NRS 199.145.
- (b) Identifying information that includes, but is not limited to:
  - (1) A description of the source's processes and products using the North American Industrial Classification System (NAICS).
  - (2) The following emissions-related information:
    - (A) The potential to emit of all regulated air pollutants emitted from each emission unit and activity, including fugitive emissions.
    - (B) Identification and description, including but not limited to manufacturer, model, rating and serial number of each emission unit in sufficient detail to establish the applicable requirements.
    - (C) The following information, to the extent it is needed to determine or regulate emissions: fuels, fuel use, raw materials, material usage rates, production rates, and operating schedules.

- (D) Identification and description of air pollution control equipment and compliance monitoring devices or activities, including design specifications.
  - (E) Any limitations on source operation affecting emissions or on any work practice standards affecting emissions.
  - (F) Other information required by any applicable requirement.
  - (G) The calculations on which the information in Sections 12.1.3.6(b)(2)(A) through (F) is based.
  - (H) A justification for any exemption sought from any otherwise applicable requirement.
- (3) For a new or modified source, a schedule of construction, if applicable.
  - (4) A list of emission limitations and other requirements applicable to the source.
  - (5) A list of emission units or activities claimed as exempt under 12.1.2(b).
- (c) In addition to the information required by Section 12.1.3.6(a), the following information is required as applicable where the application proposes the following:
    - (1) A new minor source that will have a potential to emit that is significant for any regulated air pollutant shall include a demonstration of RACT for the affected pollutant shall be proposed and shall include the methodology by which RACT was determined and how compliance with RACT will be demonstrated.
    - (2) A modification to an existing minor source and requires a significant permit revision pursuant to Section 12.1.6(a)(7) shall contain the following:
      - (A) A description and quantification of the increase in the potential to emit resulting from the modification.
      - (B) A proposed RACT for each affected pollutant, the methodology by which RACT was determined and how compliance with RACT is to be demonstrated, including material usage limits, performance testing, or continuous emissions monitoring, if applicable.

- (3) A revision proposing a voluntarily accepted emission limitation shall include enough detail to demonstrate that the voluntarily accepted emission limitation is enforceable as a practical matter, and such detail shall include, at minimum, how the limitation affects each emission unit and each air pollutant from that emission unit.
- (4) A significant revision or a renewal for a source that is not in compliance at the time the application is submitted, it shall include a compliance plan to address the non-compliant issue. The plan shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with any requirements that the source is not in compliance at the time of permit issuance. Any such plan shall be supplemental to, and shall not sanction noncompliance with, the applicable requirements on which it is based.
- (d) An application for a minor permit revision for a minor source shall contain the information necessary to demonstrate that the change qualifies as a minor permit revision pursuant to Section 12.1.6(b).

#### **12.1.4 Permit Content**

##### **12.1.4.1 Terms and Conditions**

A minor source permit issued by the Control Officer shall include terms and conditions that contain all of the following:

- (a) Identification of all applicable requirements.
- (b) A physical description of each emission unit(s) and operating information consistent with the application information.
- (c) Emission limitations for any source of emissions or emission unit that ensure all of the following:
  - (1) The National Ambient Air Quality Standards will be attained or maintained.
  - (2) The public health will be protected.
  - (3) Compliance with the requirements of these AQRs and the Act.
- (d) Monitoring, testing, reporting, and recordkeeping requirements that ensure adequate information is provided to evaluate compliance with the permit terms and conditions including, at a minimum, all of the following:

- (1) Applicable and appropriate monitoring and testing requirements, such as:
  - (A) Emissions monitoring and analysis procedures or test methods.
  - (B) Where an applicable regulation does not require periodic testing or monitoring (which may consist of record-keeping designed to serve as monitoring), periodic monitoring specifications sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit. Such monitoring requirements shall ensure that terms, test methods, units, averaging periods, and other statistical conventions are consistent with the applicable regulation. Recordkeeping provisions may be sufficient to meet the requirements of Section 12.1.4.1(d)(2).
  - (C) As necessary, requirements concerning the use, maintenance and, where appropriate, installation of monitoring equipment or methods.
  - (D) The Control Officer may require monitoring, or testing to assure compliance with all applicable requirements. Any monitoring or testing shall be performed in accordance with Section 12.10, an applicable requirement, or other methods approved by the Control Officer.
- (2) With respect to recordkeeping, the permit shall incorporate all applicable recordkeeping requirements, including the following:
  - (A) Records of required monitoring information that includes:
    - (i) The date, place, as listed in the permit, and time of sampling or measurements.
    - (ii) The date(s) analyses were performed.
    - (iii) The person and/or company, if a third party, that performed the monitoring, sampling, measurements or analyses.
    - (iv) The analytical techniques or methods used.
    - (v) The results of such analyses.

- (vi) The operating conditions at the time of sampling or measurement.
    - (vii) Calibration and maintenance of instrumentation and equipment.
    - (viii) Raw data relating to calculation of emissions.
  - (B) Retention of all records required to be kept under the conditions of the permit for a period of at least five (5) years from the creation of the record.
- (3) With respect to reporting, the permit shall incorporate all applicable reporting requirements and require the following:
- (A) Submittal of reports of any required monitoring at a frequency determined by the Control Officer. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a Responsible Official consistent with section 12.1.4.1(d)(3)(C).
  - (B) Prompt reporting of deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. The Control Officer shall define "prompt" in the permit in relation to the degree and type of deviation likely to occur and the applicable requirements.
  - (C) Any report, compliance certification, or protocol submitted pursuant to the AQRs or the permit shall contain a declaration by a Responsible Official of truth, accuracy, and completeness. This certification, and any other certification required under this section, shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- (e) A requirement that any revision of an emission limitation, monitoring, testing, reporting, or recordkeeping requirement be made consistent with the permit revision requirements in Section 12.1.6.
  - (f) Emission and operational limitations and standards necessary to ensure:

- (1) Compliance with any RACT determination, if one has been required.
  - (2) The source does not require a major source Authority to Construct or Part 70 Operating Permit.
  - (3) Compliance with all applicable requirements at the time of permit issuance.
  - (4) That any ambient air increment as prescribed by Section 12.2.3 is not exceeded.
  - (5) Compliance with a voluntarily accepted emission limitation.
- (g) The following conditions shall also apply:
- (1) The permit shall specify and reference the origin of and authority for each term or condition.
  - (2) If the AQRs allow a determination of an alternative emission limit for a source (equivalent to that contained in the AQRs) to be made in the permit issuance, renewal, or significant revision process, and the Control Officer elects to use this limit, any permit containing an alternative emission limit based on such an equivalency determination shall include provisions to ensure that the emissions limit has been demonstrated to be quantifiable, accountable, enforceable, and based on replicable procedures.
  - (3) If emission limitations are to be applicable to startup and shutdown, they shall be addressed on a case-by-case basis in the permit. Such limitations shall be designed to minimize the frequency of such events and the excess emissions they cause to the extent feasible, taking into consideration available technologies, safety, cost, and other applicable requirements. The limitations shall specify the allowable duration of the startup or shutdown and the maximum total hours allowed for startup and shutdown in a 12 month period
- (h) A permit term not to exceed five (5) years from the date of issuance.
- (i) A severability clause to ensure the continued validity of permit requirements in the event of a challenge to any portion of the permit.
- (j) A list of insignificant activities pursuant to Section 12.1.2(c).
- (k) A provision to ensure the source pays fees to the Control Officer consistent with the approved fee schedule in Section 18.

- (l) Terms and conditions that allow for changes by the source among reasonably anticipated operating scenarios identified in its application, as approved by the Control Officer. Such terms and conditions shall require the source:
  - (1) To record in a log at the permitted facility, while making a change from one operating scenario to another, the scenario under which the facility is operating.
  - (2) For each such alternative operating scenario, to comply with all applicable requirements and the requirements of Section 12.1.
- (m) Any compliance plan required to be included in the application under Section 12.1.3.6(b)(4).
- (n) Where the permit is for a new minor source or a modification to an existing minor source that requires a significant permit revision, the permit shall require that the permittee provide a written notice to the Control Officer if the source as constructed or modified differs from the source or modification authorized by the permit or revision issued. The source shall include a complete list and description of the differences, and provide this notification to the Control Officer no later than thirty (30) days prior to the commencement of operation. A source may be subject to enforcement action as a result of differences between the permitted and constructed source.
- (o) A condition stating that it shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions in a permit issued pursuant to Section 12.1.
- (p) A condition stating that the permit may be revised, revoked, reopened and reissued, or terminated for cause by the Control Officer. The filing of a request by the permittee for a permit revision, termination, or of a notification of planned changes or anticipated non-compliance, does not stay any permit condition.
- (q) Provisions specifying the conditions under which the permit will be reopened prior to the expiration of the permit. A permit may be reopened and revised under any of the following circumstances:
  - (1) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Control Officer, excess emissions offset plans shall be deemed to be incorporated into the permit.

- (2) The Control Officer determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - (3) The Control Officer determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
  - (4) Proceedings to reopen and issue a permit shall follow the same requirements as apply to any permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable.
- (r) A condition that specifies the permittee must comply with all conditions of the permit and that any permit noncompliance constitutes a violation of the AQRs and is grounds for enforcement action; for permit termination, or revocation; or for denial of a permit renewal application.
- (s) Inspection and entry requirements that require that, upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Control Officer or an authorized representative to enter the permittee's premises where a source is located or emissions related activity is conducted and to:
  - (1) Have access to and copy any records that must be kept under the conditions of the permit.
  - (2) Inspect any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
  - (3) Sample or monitor substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.
  - (4) Document alleged violations using devices such as cameras or video equipment.
- (t) A statement that issuance of the permit does not convey any property rights of any sort, or any exclusive privilege.
- (u) A requirement that the permittee must furnish to the Control Officer, within a reasonable time, any information that the Control Officer may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall

also furnish to the Control Officer copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the Control Officer along with a claim of confidentiality pursuant to Section 12.6 and NRS 445B.570.

- (v) A requirement that any person who has been issued a permit pursuant to this section shall post such permit in compliance with the requirements of Section 12.13
- (w) A requirement that the permit will not waive, or make less stringent, any limitations or requirements contained in or issued pursuant to the Nevada SIP, or that are otherwise federally enforceable.
- (x) A requirement that the permit shall not affect the responsibilities of the permittee to comply with the applicable portions of a control strategy in the SIP.
- (y) A requirement that the permittee shall provide notification of the date of commencement of operation of any new emission unit no later than fifteen (15) days after commencing its operation.
- (z) At the Control Officer's discretion, conditions for a portable source permit can be required to include:
  - (1) Written prior notification of any change in location to be submitted in accordance with 12.1.6(d)(5).
  - (2) Written notification of any operation exceeding two years duration shall be provided to the Control Officer no less than seven (7) days prior to exceeding two years from the relocation date.
  - (3) Extension of the operational period at a location to greater than two years shall not proceed if the Control Officer objects within the seven (7) days.
  - (4) Operation of any emission unit or conducting any emissions related activity shall be authorized by the relocation notice or identified in the application.
  - (5) Operation of emission units in combination with emission units authorized by a separate Minor Source Permit is prohibited.
- (aa) The Control Officer may impose additional conditions necessary to ensure compliance with any applicable requirement.

#### **12.1.4.2 Acknowledgment of Responsibility for Compliance**

The permit shall contain a statement that the permittee's commencement of operation constitutes an acknowledgment that the permittee assumes the responsibility of ensuring that the source's emission units and emission control equipment have been constructed and will be operated in compliance with all applicable requirements.

#### **12.1.5 Permit Application Processing Procedures**

##### **12.1.5.1 Action on Application**

- (a) A new minor source permit, permit revision, or permit renewal may be issued only after the Control Officer has:
  - (1) Received the correct and complete application as prescribed by Section 12.1.3.3.
  - (2) Complied with the requirements for public participation under Section 12.1.5.3 as applicable.
  - (3) Determined that the conditions of the permit provide for compliance with all applicable requirements.
  - (4) Determined that the source or emission units will not interfere with attainment and maintenance of the NAAQS, and has imposed emission limitations in accordance with Sections 12.1.4.1(c) and 12.1.4.1(f).
  - (5) Determined that all required fees have been paid.
- (b) Following the close of any public participation process prescribed by Section 12.1.5.3, the Control Officer shall issue or deny the permit or significant permit revision.
- (c) The Control Officer shall deny a permit or permit revision if the applicant fails to submit the correct application or to demonstrate that the source will be designed, controlled, and operated in a manner that meets all applicable requirements.
- (d) If the Control Officer denies the permit or permit revision, a notice of denial shall be served on the applicant by method providing evidence of receipt. The notice shall detail the grounds for denial and describe the applicant's right to appeal the denial under Section 7.

- (e) If the Control Officer issues the permit or permit revision, the new or revised permit shall be provided to the applicant. The permit or revision becomes effective upon issuance unless stayed by the Air Pollution Control Hearing Board.

#### **12.1.5.2 Permit Processing Deadlines**

The Control Officer shall either issue or deny the permits listed in the table below within the following deadlines, commencing after the date on which the application is determined to be complete. These issuance time frames are exclusive of the days required for public participation, as specified in Section 12.1.5.3.

<u>Permit</u>	<u>Deadline</u>
(1) <u>Permit for a new minor source</u>	<u>150 days</u>
(2) <u>Permit renewal</u>	<u>75 days</u>
(3) <u>Permit renewal with revision<sup>1</sup></u>	<u>120 days</u>
(4) <u>Significant permit revision</u>	<u>120 days</u>
(5) <u>Minor permit revision</u>	<u>60 days</u>

<sup>1</sup>Revision does not include an Administrative Revision

#### **12.1.5.3 Public Participation**

The Control Officer shall provide for public notice, comment, and an opportunity for a hearing in accordance with the following procedures:

- (a) Notice of Proposed Action.
- (1) After receipt of a complete application for any of the following proposed actions for minor source permits, a Notice of Proposed Action shall be posted on the Department's website.
- (A) A new minor source with a potential to emit any pollutant that exceeds 50 tons per year (tpy) for CO; 40 tpy for VOCs, SO<sub>2</sub>, or NO<sub>x</sub>; 10 tpy for PM<sub>2.5</sub>; 15 tpy for PM<sub>10</sub>; 10 tpy for H<sub>2</sub>S; or 0.6 tpy for lead.
- (B) A new minor source that will be located within 1,000 feet of the outer boundary of a school, hospital, or residential area.
- (C) A significant permit revision that is required because of a significant increase in an existing minor source's potential to emit.
- (D) A new portable source.

- (E) A voluntarily accepted emissions limitation as provided in Section 12.1.7(c).
- (2) The Notice of Proposed Action on the application shall contain all of the following:
  - (A) The name and address of the permittee or permit applicant and, if different, of the facility regulated by the permit.
  - (B) The date the Control Officer received the completed application.
  - (C) The location where documents relevant to the application, including the application, the proposed permit conditions, and determinations of RACT, if applicable, will be available.
  - (D) The nature of the source involved in the permit action.
  - (E) The pollutants to be emitted by the source and the projected quantities of those pollutants.
  - (F) The name, address, and telephone number of the Department representative whom interested persons may contact for instructions on how to obtain additional information, such as a copy of the draft permit, the statement of basis, the application, relevant supporting materials, and other materials available to the Control Officer that are relevant to the permitting decision.
  - (G) The location of the administrative record, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant (except confidential information, in accordance with NRS 445B.570 and Section 12.6) are available as part of the administrative record.
  - (H) The Control Officer's preliminary determination whether the application for a permit should be approved or disapproved.
  - (I) An opportunity for any person to submit written comments on the application for a permit and any relevant documents.
  - (J) An opportunity for any person to request a public hearing, consistent with the requirements of Section

12.1.5.3(b) below, at which oral and written comments on the application will be received, or notice of such a hearing if one has been scheduled.

- (3) The Notice of Proposed Action and the draft permit shall be posted on the Department's web site during the thirty (30) day public comment period, except in the case of relocating portable sources. For a relocating portable source, the portable source relocation notice shall be posted during a seven (7) day public comment period. All written comments must be received by the Control Officer before expiration of the public comment period.
- (4) The Control Officer shall consider all written and oral comments, and all other documents on the administrative record, before taking final action on the permit.
- (5) The Control Officer shall send a copy of the Notice of Proposed Action to the applicant and to officials and agencies having jurisdiction over the location where the proposed construction would occur, including:
  - (A) The U.S. Environmental Protection Agency (EPA), if requested, except that the Notice of Proposed Action (NPA) shall be sent to EPA if the subject of the NPA is a voluntarily accepted emission limit pursuant to Section 12.1.7 that an applicant requests to avoid having to obtain a Part 70 Operating Permit.
  - (B) Any other person who requests such notice.
- (b) During the public comment period specified in Section 12.1.5.3(a)(2), any person may petition the Control Officer in writing for a public hearing. All such petitions shall contain the petitioner's name, address, daytime telephone number, email address, and reason for requesting a hearing.
  - (1) If a proper petition is filed and the Control Officer determines that there is a significant degree of public interest, the Control Officer shall hold a public hearing no sooner than thirty (30) days, but no later than seventy (70) days, after the date of the Notice of Proposed Action. In determining if a significant degree of public interest exists, the Control Officer shall consider all relevant factors, including, but not limited to, the number of petitioners, the nature of their concerns as stated in their petitions, the type and quantity of emissions emitted by the source

and the proximity of the source to sensitive areas such as parks, schools, hospitals or residential areas.

- (2) At least seven (7) days prior to the public hearing, notice of the public hearing shall be given to the petitioner, to the applicant and to those listed in Section 12.1.5.3(a)(5) in the same manner as required for the notice of proposed action.
- (3) If the petition for hearing is denied, the Control Officer shall notify the petitioner within 30 days of receipt of the petition.

#### **12.1.5.4 Permit Transfers**

A minor source permit issued under Section 12.1 may be transferred from the existing permittee to a new permittee if the applicable permit transfer fee is paid pursuant to Section 18 and all the applicable requirements of Section 12.12 are met.

#### **12.1.6 Revisions to an Existing Minor Source Permit**

- (a) **Significant Permit Revision.** The following changes at a minor source require a significant permit revision and are subject to the permit application requirements in Section 12.1.3 and the public participation requirements in Section 12.1.5.3, if applicable:
  - (1) Establishing or revising a voluntarily accepted emission limitation or standard, as described in Section 12.1.7.
  - (2) A change in fuel not authorized by the permit, except for a switch from fuel oil or coal to natural gas or propane.
  - (3) A change that relaxes monitoring, testing, recordkeeping, or reporting requirements, except when such change results from either:
    - (A) Equipment removal that results in a permanent decrease in actual emissions, if the source keeps on-site records of the change in a log that meets the requirements of Section 12.1.6(e) below and if the relaxed requirements in the permit apply solely to the equipment that was removed.
    - (B) Newly applicable requirements specified in 40 CFR Part 60, Part 61, or Part 63.
  - (4) A change that will cause the source to violate an existing requirement if the permit was not revised.

- (5) A change that will require any of the following:
  - (A) Except for a RACT determination required by Section 12.1.6.(a)(7), a case-by-case determination of an emission limitation or other standard.
  - (B) A source-specific determination of ambient impacts, or a visibility or increment analysis.
  - (C) A case-by-case determination of a monitoring, record-keeping, and reporting requirement.
- (6) Replacement of a piece of air pollution control equipment listed in the permit with one that the permittee cannot demonstrate will have the same or better pollutant removal efficiency. In determining the comparative removal efficiency of air pollution control equipment, the Control Officer shall rely upon relevant performance testing results, vendor performance guarantees, and emissions factors or data that meet the requirements of Section 12.9(c).
- (7) A modification that increases the source's potential to emit a regulated air pollutant, by an amount equal to or exceeding a significant increase. The modification shall apply RACT to each emissions unit to which the increase applies, except the following emission increases are exempt:
  - (A) Emissions of a regulated air pollutant that are subject to an emissions standard promulgated by the Administrator under Section 112 of the Act after November 15, 1990.
  - (B) Emissions from an emissions unit subject to a general permit issued under Section 12.11 that establishes RACT.
- (b) **Minor Permit Revision.** If the proposed change at a minor source is not listed in Section 12.1.6(a), but is listed below in Sections 12.1.6(b)(1)(A) through (E), such change requires a minor permit revision and is subject to the permit application requirements in Section 12.1.3.
- (1) The following changes require a minor permit revision:
  - (A) The construction of a new emission unit that is not a like-kind replacement.

- (B) Increasing operating hours or rates of production above the permitted level, any other physical change or change in method of operation that will result in an increase in the source's PTE that is less than the significant levels listed in Section 12.1.1(j).
  - (C) A change in fuel from fuel oil or coal to natural gas or propane, if not authorized in the permit.
  - (D) A change that results in emissions subject to any new or revised monitoring, recordkeeping, or reporting requirement that is not already in the permit if the revision proposes monitoring, recordkeeping, and/or reporting that provides the required quantification.
  - (E) Replacement of an item of air pollution control equipment listed in the permit with one that has the same or better efficiency, but that employs a different technology or substantially different design. The application for the minor permit revision must demonstrate the efficiency of the replacement air pollution control equipment.
- (2) The changes listed above in Sections 12.1.6(b)(1)(A) through (E) may be implemented seven (7) calendar days after filing a complete application on a form obtained from the Control Officer. The application shall specify how the change qualifies as a minor permit revision under this Section 12.1.6(b) and propose language for the permit revision sought. No change listed in this Section 12.1.6(b) shall proceed if the Control Officer objects or deems the application incomplete within the seven (7) day waiting period.
- (3) The Control Officer may deny the minor revision because:
- (A) The change does not qualify as a minor permit revision because it is a significant permit revision.
  - (B) The change does not otherwise qualify as a minor permit revision under the criteria in Section 12.1.6(b) above.
  - (C) There is insufficient information to determine if it qualifies as a minor permit revision.
- (c) **Administrative Permit Revision.** The following changes require a permit revision, are considered administrative, and may be initiated by either the source or the Control Officer. These changes are not subject to the revision processes in Sections 12.1.6(a) and (b):

- (1) Correcting typographical errors.
  - (2) Changing the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source (except transfers of ownership, which are subject to the requirements of Section 12.12).
  - (3) Correcting a permit condition, including but not limited to emission standards and compliance demonstration requirements, consistent with an existing requirement.
  - (4) Incorporating newly applicable requirements due to an amendment to an existing rule or adoption of a new rule.
  - (5) Incorporating alternative testing or compliance monitoring requirements that have received the Administrator's approval under 40 CFR Part 60, Part 61, or Part 63.
  - (6) Incorporating newly applicable monitoring or testing requirements specified in 40 CFR Part 60, Part 61, or Part 63 that apply because of a change in applicability of those requirements to the source, including removal from the permit of monitoring or testing requirements that no longer apply as a result of the change.
  - (7) Incorporating test methods or monitoring requirements specified in an applicable requirement that the source may use as an alternative to the testing or monitoring requirements in the permit.
  - (8) Revising a permit condition adopted pursuant to Title IV of the Act which shall be governed by regulations promulgated by the Administrator under Title IV.
- (d) **Changes That Can Be Made With Notice.** The following changes at a minor source may be made without a permit revision if the source provides prior written notice of the change, within the applicable timeframe for the change listed below, on a form specified by the Control Officer, unless the Control Officer objects within the applicable timeframe.
- (1) Replacing an item of air pollution control equipment listed in the permit with one that is not identical, but is substantially similar and has the same or better pollutant removal efficiency: thirty (30) days after the date of receipt of the written notice by the Control Officer. The Control Officer may require a verification of the efficiency of the new equipment by performance tests.

- (2) A physical change, or a change in the method of operation, that does not increase the source's potential to emit: seven (7) days after the date of receipt of the written notice by the Control Officer (includes a like-kind replacement of an emission unit).
- (3) A change that would trigger an applicable requirement that already exists in the permit: thirty (30) days after the date of receipt of the written notice by the Control Officer, unless otherwise required by the applicable requirement.
- (4) A change that amounts to reconstruction of the source or an individual emission unit, unless the reconstruction triggers a new applicable requirement: seven (7) days after the date of receipt of the written notice by the Control Officer. For purposes of this requirement, reconstruction of a source or an emission unit shall be presumed if the fixed capital cost of the new component(s) exceeds fifty (50) percent of the fixed capital cost of a comparable entirely new source or emission unit.
- (5) A change of location of a portable source:
  - (A) To within 1,000 feet of the outer boundary of a school, hospital, or residential area, the permittee shall submit a portable source relocation notice at least 15 days prior to the change.
  - (B) For all other relocation, the permittee shall submit the portable source relocation notice at least seven (7) days prior to the change.
- (6) Removal of one or more emission unit(s) or activity that is part of an existing minor source permit. This change will not affect the source's potential to emit until it is incorporated into the permit through a permit renewal, permit revision, or the Control Officer action identified in Section 12.1.6(f).
- (7) Replacing an item of air pollution control equipment listed in the permit with an identical (i.e., same model, different serial number) item. The Control Officer may require verification of the efficiency of the new equipment by performance tests.
- (e) The Control Officer may revise a permit annually for a minor source without notice or public input to incorporate changes in notices filed pursuant to Sections 12.1.6(c) and (d) above.
- (f) Any modification at a minor source that results in an increase in PTE equal to or greater than the emissions of a major stationary source (as defined in Sections 12.2 and 12.3) is subject to the applicable

permit requirements in Section 12.4, as well as those in Sections 12.2 and/or 12.3.

**12.1.7 Permits Containing Voluntarily Accepted Emission Limitations and Standards**

- (a) A source may voluntarily propose in its application, and accept in its permit, emission limitations or other standards that are enforceable as a practical matter to avoid being subject to any of the following:
  - (1) New Source Review under Sections 12.2 or 12.3.
  - (2) Having to obtain a Part 70 Operating Permit under Section 12.5.
  - (3) Becoming a major Hazardous Air Pollutants (HAPs) source.
  - (4) Becoming subject to RACT.
  - (5) Meeting other applicable requirements (excluding air quality fees).
- (b) A source that proposes a voluntarily accepted emission limitation or other standard shall comply with the requirements of Section 12.1.3.6(b)(3).
- (c) The public participation procedures set forth in Section 12.1.5.3 apply to sources proposing to establish an initial voluntarily accepted emission limitation or standard as described in Sections 12.1.7(a)(1), (2), and (3).
- (d) A source that proposes a voluntarily accepted emission limitation or other standard to avoid becoming a major stationary source, including a major source of fugitive emissions of any such pollutant under Sections 12.2 or 12.3 as described in Section 12.1.7(a)(1), or becoming a new Part 70 source as described in Section 12.1.7(a)(2), must determine if the proposed stationary source is a major source as defined in Section 12.2.2(ff) and is listed as belonging to one of the source categories described in Section 12.2.2(J). If it is not listed, fugitive emissions must not to be included in the source-wide PTE to determine if it is a major source.

History: Adopted November 3, 2009. Amended March 18, 2014.